

PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

251502008900

In re Application of: Hendrik L. BUIJL, et al.

Application No.: 08/821,025

Filed: March 19, 1997

For: PROCESS FOR THE PREPARATION OF A GRANULAR MICROBIAL BIOMASS AND
ISOLATION OF A COMPOUND THEREFROM

The owner, Gist-brocades B.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,441,208. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

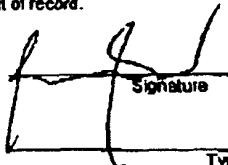
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


Signature

Dec 10, 2003
Date

Bruce D. Grant
Typed or printed name

(858) 720-7862
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/86 may be used for making this certification. See MPEP § 324.

FEE VALUE	
ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
0311952	
TYPE	VALUE
PAID	EARNED
1844	100

sd-175560

PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Complete if Known	
TOTAL AMOUNT OF PAYMENT (\$)		1,060.00

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Deposit Account:				

03-1852 referencing
251502006900

Deposit Account Name	Morrison & Foerster LLP
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The Director is authorized to check all that apply:

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayments of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

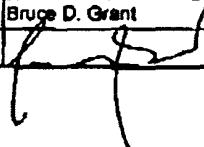
Large Entity	Small Entity	Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or cash
1052	80	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1063	120	Non-English specification
1812	2,820	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	850	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	280	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2482	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,200	2501	605	Utility issue fee (or release)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1937	50	Processing fee under 37 CFR 1.17(a)
1808	160	1908	160	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1609	770	2009	305	Filing a submission after final rejection (37 CFR 1.126(e))
1410	770	2610	365	For each additional invention to be examined (37 CFR 1.126(f))
1801	770	2601	365	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
		Other fee (specify)		Statutory Disclaimer
				110.00

SUBTOTAL (1) (\$)

SUBTOTAL (1) (\$)

1,060.00

* or number previously paid, # greater. For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Bruce D. Grant	Registration No. (Attorney/Agent)	47,608
Signature		Telephone	(858) 720-7962
		Date	December 10, 2003

sd-175534